



125 BROAD STREET, NEW YORK, NY 10004 TEL 212 471-6500 FAX 212 344-3333 WWW.HERZFELD-RUBIN.COM

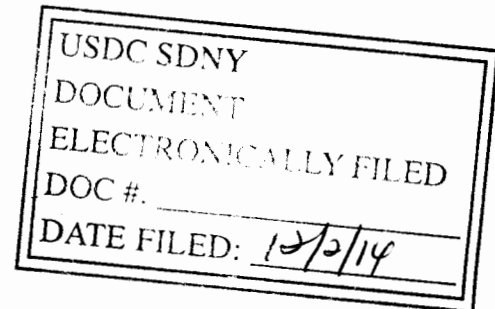
MEMO ENDORSED

Edward Copeland
Direct Line (212) 471-8506
ecopeland@herzfeld-rubin.com

November 25, 2014

By Facsimile (212) 805-4268

Honorable Gabriel W. Gorenstein
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Courtroom 6B
New York, NY 10007-1312



Re: *Uruchima v. Domenico Restaurant, Inc. et al.*
Index No.: 14-Civ-01930 (RMB) (GWG)

Dear Magistrate Judge Gorenstein:

I represent the defendants in the above referred to action. I write on behalf of both Defendants and Plaintiff pursuant to Paragraph 1.E. of Your Honor's Individual Practices to request an extension of time to respond to the Second Amended Complaint in this action.

This case was filed by Plaintiff Jose Urchima on March 19, 2014, and an Amended Complaint was filed on July 1, 2014. At an initial conference before Judge Berman on July 23, 2014, the Court entered a scheduling order which provided that all discovery be completed by November 20, 2014 and set a status conference for November 20, 2014. On September 12, 2014, the then defendants filed a letter requesting a conference to address their proposed motion to dismiss the Amended Complaint. On October 23, 2014, the parties appeared before Judge Berman for a pre-motion conference. The Court afforded Plaintiff the opportunity to amend the complaint a second time by November 4, 2014 and set a schedule for Defendants to respond to the complaint by December 3, 2014. Plaintiff filed a Second Amended Complaint on November 4, 2014. If Defendants file a motion to dismiss, any response to the motion is due by January 5, 2015 and any reply is to be filed by January 13, 2015.

By letter of November 17, 2014, the parties requested that Your Honor set a date for a conference to discuss settlement of the action which has not yet been scheduled. Insofar as the parties are exploring settlement of the action and believe that their resources are more productively spent on those efforts and to completing the ongoing discovery, we request that Your Honor adjourn the date to respond to the Second Amended Complaint until 10 days after a settlement conference and if defendants respond by filing a motion to dismiss, that the Plaintiff have 30 days to respond to the motion and any reply in support of the motion be filed within 10

AFFILIATES

LIVINGSTON, NEW JERSEY

LOS ANGELES, CALIFORNIA

GARDEN CITY, NEW YORK

BUCHAREST, ROMANIA

YANGON, MYANMAR



Honorable Gabriel W. Gorenstein
November 25, 2014
Page 2

days after the filing of Plaintiff's response. This schedule would be similar to the schedule ordered by Judge Berman.

Accordingly, on behalf of Plaintiff and Defendants, we request that the time to respond to the Second Amended Complaint be adjourned until 10 days after the settlement conference and that if Defendants respond by motion, Plaintiffs have 30 days to respond to the motion and Defendants have 10 days to file a reply. Defendants have not previously requested an extension of time to respond to the Second Amended Complaint. The extension would not require a change to any other deadlines.

Respectfully submitted,

Edward Copeland

EC/ac

cc: Michael Palitz, Esq. (By Facsimile)

Granted

SO ORDERED: DATE: 11/26/14

GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE